

Order

Michigan Supreme Court
Lansing, Michigan

October 20, 2006

Clifford W. Taylor,
Chief Justice

130802-3 & (138)(143)(150)

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

MICHIGAN CITIZENS FOR WATER
CONSERVATION, R. J. DOYLE, BARBARA
DOYLE, JEFFREY R. SAPP and SHELLY M.
SAPP,

Plaintiffs-Appellants/
Cross-Appellees,

v

SC: 130802-3
COA: 254202; 256153
Mecosta CC: 01-014563-CE

NESTLÉ WATERS NORTH AMERICA INC.,
Defendant-Appellee/
Cross-Appellant,

and

DONALD PATRICK BOLLMAN and NANCY
GALE BOLLMAN, a/k/a PAT BOLLMAN
ENTERPRISES,
Defendants.

On order of the Court, the motions for leave to file briefs amicus curiae are GRANTED. The application for leave to appeal the November 29, 2005 judgment of the Court of Appeals and the application for leave to appeal as cross-appellant are considered. We direct the Clerk to schedule oral argument on whether to grant the applications or take other preemptory action. MCR 7.302(G)(1). The parties shall submit supplemental briefs within 42 days of the date of this order addressing only whether the plaintiffs have standing under *Nat'l Wildlife Federation v Cleveland Cliffs Iron Co*, 471 Mich 608 (2004), to bring claims related to the Osprey Lake impoundment and wetlands 112, 115, and 301. The parties should avoid submitting a mere restatement of the arguments made in their application papers.

Amicus curiae are invited to submit supplemental briefs on the issue described above. Other persons or groups interested in the determination of the issue presented may move the Court for permission to file briefs amicus curiae.

WEAVER, J., states as follows:

On the question whether to grant the applications or to take other peremptory action under MCR 7.302(G)(1), I would include argument on whether *Nat'l Wildlife Federation v Cleveland Cliffs Iron Co*, 471 Mich 608 (2004), was correctly decided.

CAVANAGH and KELLY, JJ., join the statement of WEAVER, J.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 20, 2006

Corbin R. Davis

Clerk